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10/668,086	09/22/2003	Ki Mun Kim	9242-000033	1266

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EXAMINER
CHEEMA, UMAR

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 April 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-30* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *22 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

This action is response to the amendment field on 10 April 2008. Claims 1-30

are pending in this action and claims 31-34 has been cancelled. Claims 1, 14, 16, 19,

20, and 29-30 has been amended.

Applicant's arguments, see remarks, field on 10 April 2008, with respect to the

Claims 1, 16 Objection has been fully considered and are persuasive. The Objections

to the claims has been withdrawn with respect to the amendment to the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

1.   Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Meadows et al (US Patent # 6,716,101) in view of Lim et al (US Patent # 6,259,923).

Regarding claim 1, Meadows discloses a method for providing the location information

of a mobile station (MS) by selectively using a data burst message (DBM)-based

TCP/IP (Transmission Control method and a Protocol/Internet Protocol)-based method

based on a global positioning system (GPS) in a mobile telecommunication network,

constituted of a client server, a mobile positioning center (MPC), a home location

register (HLR), and a position determination Entity (PDE) (see detail description of the

fig. 1), comprising the steps of:

a terminal connecting to a client server for being provided a location based service(LBS)

(see col. 4, lines 61-66; fig. 1, network-based location system (13)); said client server

carrying out an authentication and deciding to select a method among a DBM-based

method and a TCP/IP-based method; in case of a TCP/IP-based method being

selected, said client server transmitting a PDE URL to MS, and then sending an

information by a signal to MPC (see col. 2, lines 1-15; providing location information to

an authorized user through the world wide web); and in case of a DBM-based method

being selected, said client server sending an information by a signal to MPC; said MPC

transmitting a request signal for the information of said MS to HLR and receiving the

response (see col. 4, lines 18-39); after receiving said response, said MPC transmitting

a signal, containing the corresponding information, to PDE; said PDE obtaining the

location information of said MS from said MS by the selected type of method; and said

PDE transmitting the obtained location information of said MS to said client server

through said MPC (see col. 6, lines 55-67).

Meadows discloses substantially the invention as claimed for the reason above

however Meadows does not disclose wherein providing the location information of a

mobile station (MS) by selectively using a data burst message (DBM)-based TCP/IP

(Transmission Control method and a Protocol/Internet Protocol)-based method.

However in the same field of invention Lim discloses providing the location information

of a mobile station (MS) by selectively using a data burst message (DBM)-based

TCP/IP (Transmission Control method and a Protocol/Internet Protocol)-based method

(see col. 3, lines 32-35, 45-49; TCP/IP and Data_Burst_msg). Therefore it would have

been obvious to one of the ordinary skill in the art of network at the time of the invention

to combine the teaching of Meadows and Lim for a method for providing the location

information of a mobile station (MS) by selectively using a data burst message (DBM)-

based TCP/IP (Transmission Control method and a Protocol/Internet Protocol)-based

method based on a global positioning system (GPS) in a mobile telecommunication

network. Motivation for doing so would have been that it helps monitoring the

geographical location of individuals within a geographical region from a remote location

(see Meadows: col. 8, lines 7-9).

Regarding claim 2, Meadows discloses a method for providing the location information

of an MS by selectively using a DBM-based method and a TCP/IP-based method as

claimed in Claim 1, characterized in that said terminal connecting to said client server is

a terminal able to connect to a client server using a wireless application protocol (WAP)

such as a cellular phone, a personal digital assistant (PDA), or the like (see col. 7, lines

19-21; wireless cellular telephones, personal digital assistants, and interactive pagers).

Regarding claim 3, Meadows discloses a method for providing the location information

of an MS by selectively using a DBM-based method and a TCP/IP-based method as

claimed in Claim 1, characterized in that, in said step of deciding to select a method

among a DBM-based method and a TCP/IP-based method, said client server decides to

select a TCP/IP-based method if said terminal connected to said client server is

identical to said MS whose location information provided is to be provided, and

otherwise, said client server decides to select a DBM-based method (see col. 2, lines 1-

15).

Regarding claim 4, Meadows discloses a method for providing the location information

of an MS by selectively using a DBM-based method and a TCP/IP-based method as

claimed in Claim 1, characterized in that, in said step of transmitting a PDE URL to said

MS in case of TCP/IP-based method being selected, said client server transmits said

PDE URL to said MS through the communication line, using WAP, established already

(see col. 5, lines 36-45; wireless communication device).

Regarding claim 5, Meadows discloses a method for providing the location information

of an MS by selectively using a DBM-based method and a TCP/IP-based method as

claimed in Claim 1, characterized in that, in said step of transmitting a PDE URL to said

MS in case of TCP/IP-based method being selected, said client server transmits said

PDE URL to said MS using a short message service (SMS) (see col. 6, lines 52-55;

short text message).

Regarding claim 6, Meadows discloses a method for providing the location information

of an MS by selectively using a DBM-based method and a TCP/IP-based method as

claimed in Claim 1, characterized in that said signal, sent to said MPC, from said client

server contains the information on the selected type of method for providing the service

(see col. 2, lines 35-42).

Regarding claim 7, Meadows discloses a method for providing the location information

of an MS by selectively using a DBM-based method and a TCP/IP-based method as

claimed in Claim 1, characterized in that said information of MS, requested by said MPC

to said HLR, contains the number of said MS and the information on the mobile

switching center (MSC) controlling said MS (see col. 4, lines 1-16).

Regarding claim 8, Meadows discloses a method for providing the location information

of an MS by selectively using a DBM-based method and a TCP/IP-based method as

claimed in Claim 1, characterized in that said corresponding information contained in

said signal, being transmitted from said MPC to said PDE after said MPC receiving said

response from said HLR, contains the information on the type of method selected by

said client server and the information on the mobile switching center (MSC) controlling

said MS (see col. 4, lines 24-38).

Regarding claim 9, Meadows discloses a method for providing the location information

of an MS by selectively using a DBM-based method and a TCP/IP-based method as

claimed in Claim 1, characterized in that said step of said PDE obtaining the location

information of said MS from said MS by the selected type of method comprises the

steps of: in case that said selected type of method is a DBM-based method, said PDE

that received said signal transmitted by said MPC requesting a GPS location

information of said MS to said MS; and said MS that received said request transmitting

the GPS location information to said PDE (see col. 5, lines 5-12).

Regarding claim 10, the combination of Meadows and Lim disclose a method for

providing the location information of an MS by selectively using a DBM-based method

and a TCP/IP-based method as claimed in Claim 9, Lim further discloses characterized

in that the transmission/reception of the information between said PDE and said MS is

being carried out by SMS-based communication complying with IS-801-1 standard (see

Lim: col. 3, 48-67, col. 4, lines 1-3).

Regarding claim 11, A method for providing the location information of an MS by

selectively using a DBM-based method and a TCP/IP-based method as claimed in

Claim 1, characterized in that said step of said PDE obtaining the location information of

said MS from said MS by the selected type of method comprises the steps of: in case

that said selected type of method is a TCP/IP-based method, said MS that received a

PDE URL from said client server connecting to said PDE by using said PDE URL; and

said MS that connected to said PDE providing its own GPS location information to said

PDE (see col. 4, lines 52-60).

Regarding claim 12, Meadows discloses a method for providing the location information

of an MS by selectively using a DBM-based method and a TCP/IP-based method as

claimed in Claim 11, characterized in that said step of received a PDE URL from said

connecting to said PDE by using includes the step of said PDE that said MS that client

server said PDE URL received a signal transmitted by said MPC waiting for said

connection by said MS (see col. 5, lines 36-45).

Regarding claim 13, Meadows discloses a method for providing the location information

of an MS by selectively using a DBM-based method and a TCP/IP-based method as

claimed in Claim 11, characterized in that said step of said MS that connected to said

PDE providing its own GPS location information to said PDE comprises the steps of:

said PDE requesting a GPS location information to said MS connected to said PDE; and

said MS providing the GPS location information to said PDE in response to said request

(see col. 4, lines 52-60).

Regarding claim 14, the combination of Meadows and Lim disclose a method for providing the location information of an MS by selectively using a DBM-based method and a TCP/IP-based method as claimed in Claim 11, 12, or 13, characterized in that the transmission/reception of the information between said PDE and said MS is being carried out by TCP/IP-based communication complying with IS-801-1 standard (see Lim: col. 3, 48-67, col. 4, lines 1-3).

Regarding claim 15, Meadows discloses a method for providing the location information of an MS by selectively using a DBM-based method and a TCP/IP-based method as claimed in Claim 1, characterized by further comprising, after the step of said PDE transmitting the location information of said MS to said client server through said MPC, the step of providing a corresponding location based service (LBS) requested by said terminal connected to said requested by said client server by using said location information of said MS received by said client server (see col. 4, lines 61-66; fig. 1, network-based location system (13)).

Regarding claim 16. Meadows discloses a method for providing the location information of a mobile station (MS) by selectively using a data burst message (DBM)-based method and a TCP/IP (Transmission Control Protocol/Internet Protocol)-based method based on a global positioning system (GPS) in a mobile telecommunication network, constituted of a client server, a mobile positioning center (MPC), a home location

register (HLR), and a position determination Entity (PDE) (see detail description of the

fig. 1), comprising the steps of:

a terminal connecting to a client server for being provided a location based service(LBS)

(see col. 4, lines 61-66; fig. 1, network-based location system (13)); said client server

carrying out an authentication and deciding to select a method among a DBM-based

method and a TCP/IP-based method; in case of a TCP/IP-based method being

selected, said client server sending an information by a signal to MPC, and then

transmitting a PDE URL to MS (see col. 2, lines 1-15; providing location information to

an authorized user through the world wide web); and in case of a DBM-based method

being selected, said client server sending an information by a signal to MPC; said MPC

transmitting a request signal for the information of said MS to HLR and receiving the

response (see col. 4, lines 18-39); after receiving said response, said MPC transmitting

a signal, containing the corresponding information, to PDE; said PDE obtaining the

location information of said MS from said MS by the selected type of method; and said

PDE transmitting the obtained location information of said MS to said client server

through said MPC (see col. 6, lines 55-67).

Meadows discloses substantially the invention as claimed for the reason above

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mobile station (MS) by selectively using a data burst message (DBM)-based TCP/IP

(Transmission Control method and a Protocol/Internet Protocol)-based method.

However in the same field of invention Lim discloses providing the location information

of a mobile station (MS) by selectively using a data burst message (DBM)-based

TCP/IP (Transmission Control method and a Protocol/Internet Protocol)-based method (see col. 3, lines 32-35, 45-49; TCP/IP and Data_Burst_msg). Therefore it would have been obvious to one of the ordinary skill in the art of network at the time of the invention to combine the teaching of Meadows and Lim for a method for providing the location information of a mobile station (MS) by selectively using a data burst message (DBM)-based TCP/IP (Transmission Control method and a Protocol/Internet Protocol)-based method based on a global positioning system (GPS) in a mobile telecommunication network. Motivation for doing so would have been that it helps monitoring the geographical location of individuals within a geographical region from a remote location (see Meadows: col. 8, lines 7-9).

Regarding claims 17-30, the limitations of these claims has already been addressed (see claims 2-15 above).

Regarding claims 31-34, (Cancelled).

Response to Arguments

Applicant's arguments filed on 10 April 2008 have been fully considered but they are not persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address applicant's main point of contention. Applicant's arguments include:

    A.   Regarding to Independent claims 1 and 16, Applicant argues that while the art cited by the Examiner generally relate to location services, and also discuss data brust message and TCP/IP, these references do not teach or suggest Applicant's system whereby "a selective decision is made to use either data brust or TCP/IP".

As for Point A, it is Examiner's position that Meadow in view of Lim discloses wherein said a selective decision is made to use either data brust or TCP/IP (see Meadow: col. 2, lines 1-15, col. 4, lines 18-39 and see Lim: col. 3; detail description of the preferred embodiments; figures 1-2; lines 25-35, 45-66; data exchange by short message peer to peer protocol (SMPP) based on TCP/IP and between the CLC and SMSC). Thus it is Examiner's position that Meadow in view of Lim teaches or suggests all of the limitations of the claims for the given reason above.

    Examiner's Note: Examiner has cited particular paragraphs, figures, columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-

3037. The examiner can normally be reached on M-F 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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Status information for unpublished applications is available through Private PAIR only.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Uc

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144